



# City of Saint Paul

City Hall and Court House  
15 West Kellogg Boulevard  
Phone: 651-266-8560

## City Council Minutes - Final

*Council President Kathy Lantry  
Councilmember Dan Bostrom  
Councilmember Melvin Carter III  
Councilmember Pat Harris  
Councilmember Lee Helgen  
Councilmember Russ Stark  
Councilmember Dave Thune*

Wednesday, December 14, 2011

3:30 PM

Council Chambers - 3rd Floor

### ROLL CALL

*The meeting was called to order by Council President Lantry at 3:32 p.m.*

**Present** 6 - Councilmember Dan Bostrom, Councilmember Melvin Carter III,  
Councilmember Lee Helgen, City Council President Kathy Lantry,  
Councilmember Dave Thune and Councilmember Russ Stark

**Absent** 1 - Councilmember Pat Harris

*Councilmember Thune asked to amend the agenda to to move Item 34, Ord 11-32, to just after the Consent Agenda.*

*Items 9 and 12 were removed from the Consent Agenda for separate consideration.*

*Councilmember Harris joined the meeting.*

### COMMUNICATIONS & RECEIVE/FILE

1      **AO 11-46**      Adjusting the 2011 Fire Department Budget.

**Received and Filed**

**CONSENT AGENDA**

**Note: Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.**

**Approval of the Consent Agenda**

*Councilmember Thune moved approval of the balance of the Consent Agenda.*

**Consent Agenda adopted as amended**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 2 RES 11-2440** Approving the Maintenance Labor Agreements (May 1, 2011 - April 30, 2014) between the Saint Paul Public Schools ISD 625 and the United Association of Steamfitters, Pipefitters, and Service Technicians, Local Union No. 455, the United Association of Plumbers, Local 34, and the Sheet Metal Workers International Association Local 10 and the Memorandum of Agreement (May 1, 2011 - April 30, 2012) between the Saint Paul Public Schools ISD 625 and the International Union of Painters and Allied Trades, Local No. 61. (Laid over one week for adoption)  
**Laid over to December 21 for adoption**
- 3 RES 11-2406** Approving the Mayor's appointment of Clarise Tushie-Lessard to serve as Assistant to the Mayor I - Press Secretary, effective May 1, 2011.  
**Adopted**
- 4 RES 11-2407** Approving the Mayor's appointment of Joe Campbell to serve as Assistant to the Mayor IV - Communications Director, effective November 28, 2011.  
**Adopted**
- 5 RES 11-2174** Authorizing the Fire Department to enter into a joint powers agreement with the Cottage Grove Fire Department for the use of our training facilities.  
**Adopted**
- 6 RES 11-2373** Authorizing the Fire Department to enter into a joint powers agreement with Century College to allow them to use the Fire Department training facilities in exchange for credit for apprenticeship classes, customized classes, fire training mobile prop rental, and promotional testing.  
**Adopted**

- 7      **RES 11-2332** Authorizing the Como Park Zoo and Conservatory to accept a donation of a Thuja occidentalis Eastern Arborvitae ("Temple Tree"), in bonsai form, valued at \$8000.00 from David Crust to add to the existing Bonsai Collection at the Marjorie McNeely Conservatory.  
**Adopted**
- 8      **RES 11-2409** Authorizing the Department of Parks and Recreation to apply for and, if granted, accept a grant in the amount of up to \$15,000 from the McNeely Foundation for the purpose of partnering with community organizations to provide the East Side KidVenture out-of-school time program.  
**Adopted**
- 10     **RES 11-2416** Granting approval to submit a grant for 2012 Special Project and Grant Program funds administered by the Capitol Region Watershed District (CRWD) for the Hidden Falls Regional Park Water Resource Development Feasibility Study.  
**Adopted**
- 11     **RES 11-2453** Authorizing Police Department to accept the Auto Theft Prevention grant in the amount of \$111,218 from State of Minnesota, Department of Commerce.  
**Adopted**
- 13     **RES 11-2436** Authorizing the Police Department to enter into a Joint Powers Agreement with the Minnesota Department of Public Safety, Bureau of Criminal Apprehension for Distribution of Network Services.  
**Adopted**
- 14     **RES 11-2460** Authorizing carryforward of unused private activity bond volume cap.  
**Adopted**
- 15     **RES 11-2491** Allowing Cedar Towing & Auction, Inc., d/b/a Cedar Towing and Auction to move its storage lot from its current location at 359 Hoover Street Northeast to 3527 Dight Avenue South in Minneapolis.  
**Adopted**

**FOR DISCUSSION**

- 9      **RES 11-2415** Granting approval to submit a grant application for 2011 Minnesota Historical and Cultural Grant Program funds administered by the Minnesota State Historic Preservation Office (SHPO) for the Great River Passage Interpretive and Exhibit Concept Plan project.

*Councilmember Thune said he would like to add language stipulating that the historical work include Native American sites. He moved approval of the resolution as amended.*

**Adopted as amended**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 12 RES 11-2429** Authorizing the Department of Parks and Recreation to apply for a grant in the amount of \$850,000 from the Minnesota Department of Employment and Economic Development Minnesota Youth Workforce Development Competitive Grant program for the purpose of operating the Youth Job Corps Workforce Development project.

*Councilmember Helgen applauded Parks and Recreation and the Administration for aggressively going after the funds.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**PUBLIC HEARING**

- 34 Ord 11-32** An ordinance amending Chapter 64, Signs, of the Zoning Code. (Public hearing continued from December 7)

*Councilmember Thune noted a letter from Assistant City Attorney Peter Warner with clarifications.*

*In opposition:*

*James McClean, St. Paul Area Chamber of Commerce, said they didn't oppose regulation on business but felt it could be done better. He expressed appreciation for the process and for changes made in response to concerns but said the process felt incomplete. He said the Department of Safety and Inspections (DSI) had recommended a potential alternative approach which addressed business concerns and took a targeted approach to address safety concerns. He said the ordinance change could disproportionately impact small businesses with limited marketing budgets, and they were looking for a tool that would focus on the problem without penalizing all business owners.*

*Ken Liddell, former St. Paul small business owner, said the ordinance would negatively impact business owners that tried to advertise through window signage, and it conflicted with some franchise rules. He said crime issues could be addressed with lighting and cameras and not a valid justification for the ordinance.*

*Joe Spencer, St. Paul Director of Arts and Culture, acknowledged that the advocates for the ordinance had made a compelling case, but said a zoning ordinance was blunt and unwieldy and not the right tool. He encouraged the council to take a step back and look at a licensing solution. He showed photographs indicating that similar regulations in other municipalities seemed not to be working, and he raised questions about the capacity for enforcement through zoning law. He said the heart of his concerns had to do with unintended consequences on store fronts being creatively repurposed for other uses such as theaters and offices; he displayed photographs with examples. He said he hated to limit the ability to employ quality design, and said ordinance wasn't the best way to address the problem.*

*In support:  
Robert Straughn (2200 Hoyt Avenue W.) responded to the comments made in opposition.*

*Demon Presley (544 Payne Avenue) expressed support on behalf of Change is Possible.*

*Councilmember Thune moved to close the public hearing. Yeas - 7 Nays - 0*

*Councilmember Thune said this was something that had been talked about for a long time, and changes had been made in response to concerns expressed by the business community. He said he would move approval and felt it was a step forward bringing St. Paul in line with other major cities in the region.*

*Councilmember Harris said he agreed with Mr. Spencer's assessment of the issue. He said a lot was going on along the Central Corridor, and the Council shouldn't take another swipe at businesses now. He urged the Council to listen to DSI Director Cervantes' concerns about enforcement.*

*Councilmember Helgen expressed support for ordinance.*

*Councilmember Carter said he was sensitive to needs of University Avenue businesses, but saw this as an opportunity to do more positive things rather than a*

*detriment to businesses.*

*Councilmember Stark expressed support. He said it was an imperfect tool, and suggested there could be a licensing tool as well. He said some basic things should be consistent throughout the City. He noted that all of the surrounding communities with similar ordinances had successful retail areas.*

**Adopted**

**Yea:** 5 - Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 2 - Councilmember Bostrom and Councilmember Harris

*Council President Lantry explained the process by which the Council would amend and pass the different budgets, acting as different bodies. She asked for a report from City Council Analyst Budget Analyst Alexandra Iverson.*

*Ms. Iverson reviewed changes from the Mayor's proposed budget and the sources of income found to make the changes.*

*The Council members acknowledged the financial hardships to residents caused by increases in the levy and fees, and the unsustainability of continued increases, but expressed overall satisfaction with the budget given the economic challenges. They acknowledged the collaborative process with the Administration and other departments, and thanked Finance staff.*

**16 RES PH  
11-1056**

**Authorizing the Right-of-Way Maintenance for 2012.**

*Councilmember Thune moved approval of the resolution.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 17 RES PH 11-1130** Setting the recycling service fee for 2012, and authorizing Public Works to request \$591,359 in SCORE grant funds from Ramsey County to support the curbside recycling program under contract with Eureka Recycling.

*Councilmember Helgen moved approval of the resolution.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 18 RES PH 11-1147** Setting the 2012 Sanitary Sewer and Storm Sewer rates.

*Councilmember Carter moved approval of the resolution.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 19 RES PH 11-1152** Establishing the Water Rates for 2012.

*Councilmember Harris recognized SPRWS Director Steve Schneider and the other commissioners, including Councilmember Helgen.*

*Councilmember Helgen thanked Councilmember Harris for his leadership.*

*Councilmember Harris moved approval of the resolution as amended.*

**Adopted as amended**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 20 RES 11-2433** Approving the Saint Paul Regional Water Services 2012 Budget.

*Councilmember Harris moved approval of the resolution.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 21 RES 11-2442** Approving the Saint Paul RiverCenter Convention and Visitors Authority 2012 Budget.

*Councilmember Bostrom moved approval of the resolution as amended.*

**Adopted as amended**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**The Council recessed and reconvened as the HRA to adopt the HRA budget (see HRA meeting minutes).**

**The HRA adjourned and the Council reconvened.**

- 22 RES 11-2446** Adopting the 2012 HRA Budget and Property Tax Levy.

*Councilmember Thune introduced the amended version of the item.  
Yeas - 7 Nays - 0*

*Councilmember Thune moved approval of the resolution as amended.*

**Adopted as amended**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**The Council recessed and convened as the Library Board to adopt the Library Budget (see Library Board meeting minutes).**

**The Library Board adjourned and the Council reconvened.**

- 23 RES 11-2435** Approving and adopting the Saint Paul Public Library Agency Budget.

*Councilmember Harris moved to amend the Library Budget. Yeas - 7 Nays - 0*

*Councilmember Harris moved approval of the resolution as amended.*

**Adopted as amended**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

*Items 19 and 21 were reconsidered at this time to add amendments that had been missed. The amendment to the water rates recognized cost recovery, and the amendment to the RiverCenter budget was technical.*

**24 RES 11-2441 Approving the 2012 City Tax Levy.**

*Councilmember Stark moved the amendment. Yeas - 7 Nays - 0*

*Councilmember Stark moved approval of the resolution as amended.*

**Adopted as amended**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**25 RES 11-2437 Adopting the 2012 Budgets.**

*Councilmember Thune moved the amendment. Yeas - 7 Nays - 0*

*Councilmember Thune moved approval of the resolution as amended.*

**Adopted as amended**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**26 RES 11-2487 Adopting the 2012 Budget Policy Plan.**

*Councilmember Helgen moved the amendment. Yeas - 7 Nays - 0*

*Councilmember Helgen moved approval of the resolution as amended.*

**Adopted as amended**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

**27 RES PH  
11-1071 Approving adverse action against the Animal Boarding (Commercial) license application submitted by Sandra Belisle, d/b/a Sandy's Professional Dog & Cat Grooming, 360 Clifton Street. (Public hearing held September 21, 2011; laid over from March 7, 2012) (To be withdrawn)**

*Councilmember Thune moved to lay the matter over to February 8, 2012.*

**Laid over to February 8, 2012**



**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 28 SR 11-105** Recognizing Ann Olson and Dennis Rosemark for their services to Wards 5 and 3.

*Departing Legislative Aides Dennis Rosemark and Ann Olson were recognized.*

**Received and Filed**

- 29 SR 11-104** Honoring Councilmembers Pat Harris and Lee Helgen for their service to the City.

*Departing Council members Harris and Helgen were recognized.*

**Received and Filed**

### **ORDINANCES**

**An ordinance is a city law enacted by the City Council. It is read at four separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Legal Ledger. Public hearings on ordinances are held at the third reading.**

#### **Final Adoption**

- 30 Ord 11-112** Amending Chapter 33.04 of the Saint Paul Legislative Code to create permit fees governing fire alarm systems, smoke control systems, and water flow testing; and amending the permit fee for standpipe, sprinklers, and fire pumps.

*Councilmember Harris moved approval.*

**Adopted**

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- 31 Ord 11-113** Amending Chapter 160 of the Saint Paul Legislative Code, Traffic Code - Parking Meter Zones, to revise hours of enforcement.

*Councilmember Thune moved approval.*

**Adopted**

**Yea:** 6 - Councilmember Bostrom, Councilmember Carter III, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 1 - Councilmember Harris

## Second Reading

- 32 Ord 11-114** Amending Chapter 324.11 of the Legislative Code to enhance presumptive penalties for repeat violations.  
**Laid over to December 21 for third reading/public hearing**
- 33 Ord 11-117** Amending Chapter 31.05(d) of the Legislative Code pertaining to the tabulation of votes.  
**Laid over to December 21 for third reading/public hearing**

## SUSPENSION ITEMS

*Councilmember Thune moved suspension of the rules.*

### Rules suspended

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

- RES 11-2557** Approving and ratifying the application to the Metropolitan Council to secure credits for Service Availability Charges (SAC) for the Schmidt Brewery Project.

*Councilmember Thune said this would save thousands and thousands of dollars for the development; he moved approval.*

### Adopted

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

## ADJOURNMENT

*Council members Harris and Helgen moved to adjourn the meeting at 5:04 p.m.*

### Meeting adjourned

**Yea:** 7 - Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune and Councilmember Stark

**Nay:** 0

## **Council Meeting Information**

### **Web**

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### **Cable**

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